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November 15, 2013

**VIA ECF**

Hon. Debra C. Freeman  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Robledo v. No. 9 Perfume Leasehold*, 12 CV 3579 (ALC)(DCF)**  
related to  
***Robledo v. Bond No. 9*, 12 CV 6111 (ALC)(DCF)**

Dear Judge Freeman:

We represent Plaintiffs Veronica Robledo and Karin M. Widmann in the two (2) above actions and write concerning *Robledo v. No. 9 Perfume Leasehold*, 12 CV 3579 (ALC)(DCF).

We are writing because today, Friday, November 15, 2013, during the deposition of a senior member of the Defendants' management team, counsel for the Defendant repeatedly instructed the witness (Ms. Hormidas Caloobanan) to not answer questions on the grounds that they purportedly sought information that counsel considered to be "irrelevant" or "collateral" in nature. No applicable privileges were invoked.

In fact, these questions to the witness were directly based on several affidavits that have been submitted in this case, ***including an affidavit of the witness herself***, which she testified she prepared jointly with defense counsel (a copy of Ms. Caloobanan's affidavit is attached for the Court's convenience). The witness, Ms. Caloobanan, appeared prepared to answer these questions. These questions directly related to the witness' employment with the Defendants as a manager and administrator and her involvement in employment-related disputes.

We courteously and repeatedly advised defense counsel that his instructions to not answer were inappropriate, and objected. We cautioned defense counsel that his directives to the witness would be subject to judicial review.

We are writing today because we are taking the deposition of the owner of the Defendants, an individual defendant herself, on Tuesday and do not wish to see this conduct repeated.

We request a short telephonic conference with the Court, preferably in advance of Tuesday's deposition, in order to resolve this issue.

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We will forward the Court copies of pertinent pages of today's deposition as soon as they are available.

We thank the Court's time and consideration.

Respectfully submitted,  
THE HARMAN FIRM, PC

s/  
Peter J. Andrews [PA-3295]

Encls.

cc: Dennis A. Lalli, Esq. (via ECF)  
Barbara V. Cusumano, Esq. (via ECF)  
Peter J. Andrews, Esq. (via ECF)  
Hon. Debra Freeman (via U.S. mail without encls.)